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HOUSE BILL 742

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Ray Begaye

AN ACT

RELATING TO FORENSIC INVESTIGATIONS; PROHIBITING FEES FOR SERVICES RENDERED TO TRIBAL ENTITIES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 24-11-2 NMSA 1978 (being Laws 1971, Chapter 112, Section 2, as amended) is amended to read:

"24-11-2. MEETINGS--DUTIES.--

A. The board of medical [~~investigations~~] investigators shall meet at least annually and as often as necessary to conduct the business of the board. Additional meetings may be called by the [~~chairman~~] chair or by a majority of the members of the board.

B. At the first annual meeting of the board, the members shall elect one of their number as [~~chairman~~] chair.

C. The board of medical [~~investigations~~]

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1 investigators shall formulate broad policy for the operation of
2 the office of the state medical investigator and the offices of
3 the district medical investigators, including ensuring that
4 forensic investigations and other services that are provided in
5 the ordinary and usual course of the operation of the office of
6 the state medical investigator or an office of a district
7 medical investigator are provided on an equal basis to all
8 communities in New Mexico and in all areas of the state,
9 including forensic investigations and other services that are
10 provided on land in New Mexico within the exterior boundaries
11 of an Indian nation, tribe or pueblo at the request of that
12 Indian nation, tribe or pueblo. The state medical investigator
13 or a district medical investigator may charge a fee, not to
14 exceed the cost of the service provided, for all services
15 provided on federal military reservations within the state.

16 D. The board of medical [~~investigations~~]
17 investigators shall employ and fix the compensation of a
18 qualified state medical investigator who shall be assigned as
19 an employee of the university of New Mexico medical school [~~of~~
20 medicine]."

21 Section 2. Section 24-11-3 NMSA 1978 (being Laws 1971,
22 Chapter 112, Section 3, as amended) is amended to read:

23 "24-11-3. STATE MEDICAL INVESTIGATOR--QUALIFICATIONS--
24 DUTIES--OFFICE.--

25 A. The state medical investigator shall be a

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1 physician licensed to practice in New Mexico. Insofar as
2 practicable, the medical investigator shall be trained in the
3 fields of pathology and forensic medicine.

4 B. The state medical investigator shall maintain
5 ~~[his]~~ an office at the ~~[school of medicine at the]~~ university
6 of New Mexico medical school.

7 C. The state medical investigator shall appoint
8 district medical investigators and, where necessary, deputy
9 medical investigators who shall serve at ~~[his]~~ the state
10 medical investigator's pleasure. The state medical
11 investigator may assign deputy medical investigators to
12 districts to work under the supervision of a district medical
13 investigator. The district medical investigator shall be a
14 licensed physician. When deemed necessary by the state medical
15 investigator, ~~[he]~~ the state medical investigator may direct a
16 deputy or district medical ~~[examiner]~~ investigator to enter
17 another district for the purpose of carrying out medical
18 investigations.

19 D. Any district created by the state medical
20 investigator to be staffed by a district medical investigator
21 shall be coextensive with one or more counties.

22 E. The state medical investigator may enter into
23 agreements for services to be performed by persons in the
24 course of medical investigations.

25 F. The state medical investigator shall, subject to

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1 the approval of the board of medical ~~[investigations]~~
2 investigators, promulgate rules, ~~[and regulations]~~ guidelines
3 and protocols for the proper investigation of deaths occurring
4 within this state.

5 G. The state medical investigator shall, after
6 government-to-government consultation with an Indian nation,
7 tribe or pueblo, promulgate rules, guidelines and protocols for
8 the proper forensic investigation of and the provision of other
9 services related to deaths occurring within the exterior
10 boundaries of that Indian nation, tribe or pueblo.

11 ~~[G.]~~ H. The state medical investigator shall
12 maintain records of the deaths occurring within this state
13 ~~[which]~~ that are investigated by either state or district
14 medical investigators.

15 ~~[H.]~~ I. In addition to other duties prescribed in
16 this section, the state medical investigator shall also serve
17 as the district medical investigator for Bernalillo county.

18 ~~[I.]~~ J. Funds for the operation of the state and
19 district medical investigators' offices shall be appropriated
20 to and administered by the university of New Mexico medical
21 school ~~[of medicine]~~.

22 K. The state medical investigator shall:

23 (1) develop and promulgate rules, subject to
24 the approval of the board of medical investigators, to define:

25 (a) the ordinary and usual services that

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1 are provided by the office of the state medical investigator
2 and district medical investigators at no fee to the recipient
3 jurisdiction, except as otherwise permitted in this section;
4 and

5 (b) the extraordinary services that are
6 provided by the office of the state medical investigator and
7 district medical investigators for which fees shall be
8 assessed, not to exceed the cost of the service provided; and

9 (2) set forth a fee schedule for provision of
10 those services defined pursuant to Subparagraph (b) of this
11 paragraph.

12 L. The office of the state medical investigator
13 shall have no authority to assess fees, except for the
14 authority granted in Subsection K of this section. Fees
15 charged to any entity in New Mexico without the express
16 authority provided in Subsection K of this section or without
17 being established pursuant to the rules approved by the board
18 of medical investigators and promulgated by the state medical
19 investigator are void."

20 Section 3. A new section of Chapter 24, Article 11 NMSA
21 1978 is enacted to read:

22 "[NEW MATERIAL] SERVICES TO TRIBAL ENTITIES--LIMITATION ON
23 FEES.--The ordinary and usual services provided by the office
24 of the state medical investigator to communities of New Mexico
25 citizens and residents living within the exterior boundaries of

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1 a federally recognized Indian nation, tribe or pueblo shall be
2 provided at the request of an Indian nation, tribe or pueblo
3 without charge to the extent that those same services are
4 provided by the office of the state medical investigator
5 without charge to municipalities and counties in the state
6 located outside the exterior boundaries of a federally
7 recognized Indian nation, tribe or pueblo."

8 Section 4. APPROPRIATION.--Four hundred thousand dollars
9 (\$400,000) is appropriated from the general fund to the board
10 of regents of the university of New Mexico for expenditure in
11 fiscal year 2008 and subsequent fiscal years for the office of
12 the state medical investigator to conduct forensic
13 investigations and other services as requested by Indian
14 nations, tribes and pueblos located in whole or in part in New
15 Mexico. Any unexpended or unencumbered balance remaining at
16 the end of a fiscal year shall not revert to the general fund.

17 Section 5. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2007.

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